

## **NEBRASKA STATE BOARD OF HEALTH MEETING**

### **MINUTES – March 19, 2018**

**ATTENDANCE NOTIFICATION.** A regular meeting of the State Board of Health was called to order by the Chair, Diane Jackson, APRN, at 1:00 PM on March 19, 2018 in Lower Level Conference Room C of the Nebraska State Office Building in Lincoln. Copies of the agenda were mailed to board members, news media, and other interested parties prior to the meeting, and posted on the Health and Human Services website. The following members were present: Joel Bessmer, MD; Kevin Borchert, PharmD, RP; Brian Brightman, OD; Shane Fleming, MSN, RN; Michael Hansen; Russell Hopp, DO; Diane Jackson, APRN ; Teresa Konda, PE; Tony Moravec, DVM; Debra Parsow; Travis Teetor, MD; Doug Vander Broek, DC; Joshua Vest, DPM; Jeromy Warner, PsyD, LP. Quorum met.

Members not in attendance: Kevin Low, DDS; Wayne Stuberg, PhD, PT

Staff attending: Ron Briel, Matt Gelvin, Monica Gissler, Marla Scheer

**APPROVAL OF AGENDA.** Ms. Jackson asked if there were any changes to the agenda for the meeting today. Ms. Parsow made a motion to approve the revised agenda, seconded by Dr. Borchert.

**APPROVAL OF MINUTES.** Ms. Jackson asked if there were any changes to the minutes from the November 13, 2017 meeting. Ms. Jackson then asked if there were any changes to the minutes from the January 22, 2018 emergency meeting. Ms. Parsow made a motion to approve the minutes, seconded by Dr. Warner, voting yes: 14 (Bessmer, Borchert, Brightman, Fleming, Hansen, Hopp, Jackson, Konda, Moravec, Parsow, Teetor, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion not carried.

**LEGISLATIVE UPDATE.** Bryson Bartels reported on 2017 Carryover bills: LB 284 Change criminal history record information checks under the Child Care Licensing Act; LB 343 Change credentialing and regulation of cosmetology, nail technology, audiology, massage therapy, and barbers, which had portions amended into LB 1107, LB 705, and LB 706; and LB 344 Change credentialing and regulation of mental health substance abuse centers. He also reported on the following 2018 DHHS Bills: LB 702 Change provisions relating to children's health care coverage and Nebraska IV-D child support program modification procedures; LB 903 Change provisions relating to the Long-Term Care Ombudsman Act; and LB 924 Change provisions of the Emergency Medical Services Practice Act, the Occupational Therapy Practice Act, and the Uniform Credentialing Act.

**CHAIRPERSON'S REPORT.** Ms. Jackson, Chair, reported the following:

1. Has anyone attended any professional board meetings that they would like to report on?

- Dr. Vander Broek participated in a Board of Chiropractic teleconference on February 22<sup>nd</sup>.

It is important that you let Monica know in advance when you plan to attend a meeting, and if you plan to attend the entire meeting or just a portion. If the meeting includes a working lunch, a lunch will not be ordered for you, unless specific arrangements are made.

2. The Accountability and Disclosure Commission forms for the Statement of Financial Interests are due, so be sure to send yours in if you haven't already.
3. Gas prices have been creeping back up, and as a result, the state and federal reimbursement rate for car travel has been readjusted to .545 per mile. If you plan to ride a motorcycle to a meeting, be sure to let Monica know so she can apply the correct reimbursement rate.
4. Dr. Tom Williams, Chief Medical Officer for DHHS, was unable to attend today because he is at roundtable discussions with the DHHS regional directors, and Becky Wisell is on vacation.
5. There is a new Deputy Director of Public Health. Susan Strohn is an attorney and former DHHS hearing officer, and she replaces Jenifer Roberts-Acierno.
6. Sadly, Matt lost a member of his team in December, with the passing of Sara Dodder Furr. She was the QI specialist for long term care facilities. Our sympathies to her family and co-workers.
7. In November, suggestions were made for Crete or Columbus this next September. We will move forward with Crete as the first option.
8. We have several Board of Health members with terms expiring this August 1<sup>st</sup>. Members are asked to be sure to let Monica know their plans regarding seeking reappointment. We still have a Public Member vacancy on this board, and a few other boards, so help spread the word!

## **COMMITTEE REPORTS.**

**Rules and Regulations Committee** – Mr. Hansen, Committee Chair, reported.

There are no regulations for review right now, so this committee did not meet today. An updated status report was sent out to all members.

**Credentialing Review (407) Committee** – Ms. Parsow, Committee Chair, presented.

Credentialing Review documents may be accessed at

<http://dhhs.ne.gov/licensure/Pages/credentialing-review.aspx>.

- # Recommendations for Members of EMS Technical Review Committee

Public Members:

Judith Lee Kissell, PhD

Corrinne Pedersen

Lisa Pfeil

Professional Members:

Jeff Baldwin, Pharm.D, RP

Allison Dering-Anderson, Pharm.D, RP

Brandon Holt, BSRT (ARRT)

Donald Naiberk, Hospital Administrator

Marcy Wyrens, RRT

Board of Health representative to chair the Technical Review Committee: T.J. Teetor, MD. There were members of the EMS applicant group in attendance, and Ms. Parsow asked them to provide a brief overview of their proposal. Mark Miller, Creighton University and Board of EMS, and Dave Huey.

The Nebraska Emergency Medical Services Association, Children's Hospital & Medical Center, Nebraska State Volunteer Firefighters Association, Nebraska Flight Association, Medics At Home, the Board of Emergency Medicine, and the Office of Emergency Health Systems intends to submit a proposal for three things: (1) the recognition of the Scope of Practice for Community Paramedicine, (2) the removal of "out-of-hospital" in reference to out-of-hospital emergency care providers, and (3) expansion of the locations where licensed EMS providers may work under an EMS provider license to include all licensed health care facilities.

Ms. Parsow made a motion to approve the Committee recommendation for pool members. Call for vote on motion to approve - voting yes: 13 (Bessmer, Borchert, Brightman, Fleming, Hansen, Konda, Jackson, Moravec, Parsow, Teetor, Vander Broek, Vest, Warner); voting no: 0; not voting: 1 (Hopp). Motion carried.

- # Recommendations on Reflexology Report. The Platte Institute is proposing that reflexology be removed from the massage therapy law and scope of practice. Current Nebraska State Law does not include a definition of reflexology practice or training requirements for a practitioner because they fall under the broad definition of massage therapists and are not specifically exempt as other professions have been. Massage therapy focuses on muscle relaxation through the manipulation of soft tissue across the body, while reflexologists only treat the feet, hands and ears. Nebraska state licensure requires 1,000 hours to become a massage therapist, where no reflexology coursework is required, and reflexology national certification requires an initial 200 hours of training.

The Platte Institute is proposing the least restrictive form of credentialing for reflexology. Reflexology is exempt from massage laws in more than 30 states and the District of Columbia. There are four states that have no massage law, and in these states reflexology is not regulated or licensed. In many states, reflexology is not a licensed profession, but voluntary registration where practitioners receive certification and training through the national associations. There are four states that have reflexology specific laws (North Dakota, Tennessee, New Hampshire, and Washington).

The full text of the applicants' proposal can be found under the Reflexology subject area on the credentialing review program link at <http://dhhs.ne.gov/licensure/Pages/credentialing-review.aspx>.

The members of the technical review committee recommended against approval of this proposal. The Board of Health Credentialing Review Committee met on March 15<sup>th</sup>. They voted to recommend against approval of the Reflexology proposal. Call for vote on motion against approval of the Reflexology Proposal - voting yes: 14 (Bessmer, Borchert, Brightman, Fleming, Hansen, Hopp, Konda, Jackson, Moravec, Parsow, Teetor, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion carried.

**Professional Boards Committee.** Dr. Warner, Committee Chair, reported.

The Committee interviewed five applicants in the morning. The following individuals were appointed, most with terms through November 30, 2022, unless indicated otherwise:

Board of Pharmacy

Angie Svoboda, PharmD, FIACP, from Ord

Board of Cosmetology

Ruth Lucas, Cosmetology Instructor, from McCook

Board of Medical Nutrition Therapy

Elizabeth “Betty” Kenyon, RDN, LMNT, from Mitchell

There are 34 planned professional board vacancies in 2018.

Dr. Warner made a Committee motion to appoint these individuals: Voting yes: 14 (Bessmer, Borchert, Brightman, Fleming, Hansen, Hopp, Jackson, Konda, Moravec, Parsow, Teetor, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion not carried.

There is an immediate need for public members to serve on professional boards. Please help spread the word. More information is available on the Vacancy website, for current and upcoming vacancies: <http://dhhs.ne.gov/licensure/pages/Board-Requirements-and-Vacancies.aspx>

**Public Health, Education and Legislation Committee:** Ms. Konda, Committee Chair, reported. They discussed the status of legislative bills, and revised the Board of Health Legislative Tracker. So far this session, the Board of Health has sent letters regarding ten legislative bills.

The Committee made a motion to move LB 891, Prohibit discrimination in the provision of services as prescribed under the Psychology Practice Act, to move this bill from Category 1 to Category 2. Call for vote on motion to approve - voting yes: 14 (Bessmer, Borchert, Brightman, Fleming, Hansen, Hopp, Konda, Jackson, Moravec, Parsow, Teetor, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion carried.

**Approval of Committee Reports.** Ms. Parsow made a motion to approve the Committee Reports, with a second by Dr. Warner. Call for vote on motion to approve - voting yes: 14 (Bessmer, Borchert, Brightman, Fleming, Hansen, Hopp, Konda, Jackson, Moravec, Parsow, Teetor, Vander Broek, Vest, Warner); voting no: 0; not voting: 0. Motion carried.

**UNFINISHED BUSINESS.** None.

**NEW BUSINESS.**

- Conflict of Interest Policies and Statutes – Teresa Hampton, DHHS Legal was unable to attend, so this item will carry over to June.
- Board of Health remaining meeting dates for 2018:

June 18, 2018

September 17, 2018 – Crete Area Medical Center (Professional Board interviews on Sep 16)

November 19, 2018

**PUBLIC COMMENTS.** None.

**PREPARATION FOR NEXT MEETING.** The next regular Board of Health meeting will be June 18, 2018 in the Nebraska State Office Building.

**ADJOURN.** There being no further business, Mr. Hansen made a motion to adjourn, with a second by Dr. Borchert, all in favor by voice vote. The meeting adjourned at 1:40 PM. Minutes were taken by Monica Gissler.

These minutes were approved by the State Board of Health on September 17, 2018.

***NOTE:*** If you would like to receive these minutes electronically instead of receiving a hard copy, please send a request to the email address below. Please also inform staff if you would like to be removed from this distribution list altogether.

*If you would like any attachments mentioned in these minutes, or have other questions, please contact Monica Gissler, 402/471-6515, Fax 402/471-0383, or email at: [monica.gissler@nebraska.gov](mailto:monica.gissler@nebraska.gov).*

Rev 9/17/18, mcg